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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,452	08/13/2001	Michelle Anderson	723-1154	6252
27562 7590 01/25/2007 NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER GREENE, DANIEL LAWSON	
			ART UNIT 3694	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/927,452	<b>Applicant(s)</b> ANDERSON ET AL.	
	<b>Examiner</b> Daniel L. Greene Jr.	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 7-18 and 25-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                |                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                           | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/13/06</u> | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Claims 1-36 are pending in the instant application. Applicant's election without traverse of Group I (claims 1-6 and 19-24) in the reply filed on 11/06/2006 is acknowledged. Claims 7-18 and 25-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/06/2006.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "bundling the N items of the order as M unit(s)" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. It is not seen wherein the drawings depict indicia "M". The figures only appear to indicate that N units are bundled into 1 (one) unit NOT "M" unit(s).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-6 and 19-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

- a. It is not seen wherein the term "M" is set forth in the specification nor how and in what manner "M" is to be determined. The specification attempts to set forth the definition of "M" in, for example, page 3, lines 17+ through page 4 line 5,

page 4 lines 16+, etc. but nowhere is it seen wherein the metes and bounds of the term "M" are set forth. That is "M" is a number lower than "N" (p3, l18) but there is no manner set forth in the specification that sets forth exactly how "M" is determined. Further, it is not seen wherein the specification sets forth how to deal with the situation where "N" = 1. Presumably "M" must be less than 1, but the specification fails to set forth even the basic equation/formula/method etc. as to how and in what manner "M" is determined.

**6. Claims 1-6 and 19-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

a. Claims 1-6 and 19-24 are vague, indefinite and incomplete in what all is meant by and encompassed by the term "M" for the reasons set forth in section 5a above, hence the metes and bounds of the claim are undefined.

b. Claims 1-6 and 19-24 are vague, indefinite and incomplete in what all is meant by and encompassed by the limitation "N" because the claims do not set forth the meaning of the term "N". That is, the claims set forth that M is a number lower than "N" but fail to set forth "N" as a number. Accordingly the metes and bounds of the claim are undefined.

c. Claims 1-6 and 19-24 are vague, indefinite and incomplete in what all is meant by and encompassed by the limitation "receiving" because according to

the specification page 7 lines 1-10 the limitation "receiving" can be construed as being performed by electronic means, for example, the EDI or they may be received by "manual input by the vendor's personnel." Since the specification and the claims do not set forth exactly what all is meant and encompassed by the limitation "receiving" the metes and bounds of the claim are undefined.

d. Claims 1-6 and 19-24 are vague, indefinite and incomplete in what all is meant by and encompassed by the limitation "bundling" because it is not seen wherein the actual definition of the term "bundled" is set forth, that is, bundled could mean physically tied together, electronically identified as one group, etc. Since the specification and the claims do not set forth the definition of the term "bundle" the metes and bounds of the claim are undefined.

e. Claims 1-6 and 19-24 are vague, indefinite and incomplete in what all is meant by and encompassed by the phrase "processing the order" because the limitation "processing" does not set forth exactly how or in what manner the order is processed, that is, the order could be processed by typing it into a computer interface, or processed as in picked off the shelf, put in a box and shipped to the customer. Since the specification and the claims do not explicitly set forth the definition of "processing" the metes and bounds of the claim are undefined.

f. Claims 19-24 are vague, indefinite and incomplete in what all is meant by and encompassed by the phrase "an order processing system" because the claims do NOT require a computer or other structure to comprise a "system", that is people can be considered the "system" with "a receiver" being the person on

the other end of the phone line taking the customers order and "a processor" reads on the person who physically goes and gets the stock off the shelf and ships it. Since the claims fail to set forth what all is encompassed by the limitation "an order processing system" the metes and bounds of the claim are undefined.

g. Claims 1-6 and 19-24 are vague, indefinite and incomplete in what all is meant by and encompassed by the phrase "generating a notice" because the limitation "notice" does not set forth any particular type or manner of "notice" per se, nor does the claim set forth exactly how or in what manner the notice is generated, that is, the notice could be a paper invoice or an electronic email or a screen sent to a display unit like a television, etc. Since the specification and the claims do not explicitly set forth the definition of "generating" and "notice" the metes and bounds of the claim are undefined.

### ***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The limitations "receiver" and "processor" do NOT connote any particular apparatus per se, that is, these limitations can be

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understood to read on an actual **person** performing said action of receiving and processing. Since people are not statutory matter, the claims are thus rejected.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-6 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Admitted Prior Art (APA).**

On page 1 lines 16+ through 2, line 10 of the specification as filed applicant sets forth:

*“ An order placed by a customer with a vendor **will normally indicate the number of item(s) desired. The vendor's order processing system will receive and process the order using the number of item(s) indicated by the order. The order processing system will ultimately generate and send a notice (e.g., an invoice, advance shipping notice (ASN), etc.) to the customer indicating the number of item(s) either ordered, allocated for shipment, and/or shipped.** It may be beneficial for the number of item(s) indicated on the notice to match the number of item(s) indicated on the order so that a determination can be easily made that the item(s) received matches what was originally ordered.*

*In a **"standard" order processing scenario**, if a customer transmits an order, for example, that indicates "5" individual items, the vendor's order processing system will process the order as five individual items. Specifically, the order processing system will allocate five items for picking and decrement the vendor's accounting of the inventory by five items. The order processing system will generate and send a notice to the customer indicating "5" items, the same number indicated on the original order. This notice may be sent with the shipment of the ordered items.” (Emphasis added)*



This telling paragraph sets forth what can be considered a "standard" order processing scenario.

**Regarding claims 1 and 19**, APA sets forth a method of processing an order comprising:

receiving an order indicating N items (*a customer transmits an order, for example, that indicates "5" individual items, the vendor's order processing system will process the order as five individual items*);

bundling the N items of the order as M unit(s), each unit comprising a collection of at least one item and M being a number lower than N (*reads on the "5" individual items being placed into or on any of a/an case(s), box(s), container(s), truck(s), pallet(s), etc. in preparation for shipment*); and

processing the order using the M unit(s) as a representation of the N items (*This notice may be sent with the shipment of the ordered items. Clearly, in order to ship the items they must be packaged in some manner. It is inherent that when the items are packaged or "bundled" that it is that specific package or bundle that must then be processed, i.e. loaded into a shipping medium and shipped to the customer. This "M" unit is indeed a representation of "N" items because said package or bundle includes said "N" items within it.*)

**Regarding claims 2 and 20**, the limitation "after processing the order using the M unit(s), unbundling the M unit(s) into N items" reads on the customer opening the bundle/package that was just delivered to said customer and removing the "N" items from said bundle/package.

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**Regarding claims 3 and 21**, the limitation “after processing the order using the M unit(s), generating a notice indicating a number that is equal to N so that the number indicated on the notice matches the number N indicated on the order.” reads on “*The order processing system will generate and send a notice to the customer indicating "5" items, the same number indicated on the original order.*” (Emphasis added)

**Regarding claims 4 and 22**, the limitation “wherein processing the order using the M unit(s) includes decreasing an inventory count of the unit(s) by a value equal to M.” is considered inherent in the APA because in order to process an order using “M” units, “M” units must be processed and presumably sent to the customer. The process of sending said “M” units to said customer REQUIRES taking “M” units out of inventory and sending them to the customer, that is the inventory of “M” units is automatically decreased by the number of “M” units taken away to be sent to the customer.

**Regarding claims 5 and 23**, the limitation “shipping the N items together as one collective package.” reads on “*sent with the shipment of the ordered items*” wherein it is understood that the limitation “the shipment” is considered “one collective package”

**Regarding claims 6 and 24**, the limitation “after processing the order using M unit(s), generating a notice indicating a number that is equal to M so that the number indicated on the notice mismatches the number N indicated on the order.” is considered inherent in the APA as a “shipment” will “ultimately” have a

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notice of some sort, for example, a bill of materials or some manner of indicating what is being shipped "**system will ultimately generate and send a notice (e.g., an invoice, advance shipping notice (ASN), etc.)**" These notices inherently have contained therein what is being shipped, that is, a trucking company only needs to know there is one box to be shipped, not necessarily what is in the box.

As to limitations which are considered to be **inherent** in a reference, note the case law **In re Ludtke**, 169 USPQ 563, **In re Swinehart**, 169 USPQ 226, **In re Fitzgerald**, 205 USPQ 594, **In re Best et al**, 195 USPQ 430, and **In re Brown**, 173 USPQ 685,688.

Claims 19 through 24 mirror claims 1-6 as set forth above. The fact that claims 19-24 disclose an order processing **system** does not obviate the Examiner's assertions as to how the claims read on the method of processing an order explained above. It is considered that since APA discloses the method, there is also a system that implements said method, i.e. a companies shipping and receiving and order processing groups/individuals/etc. Again, Applicants claims do not set forth what all is encompassed by "an order processing system" (as explained in a previous section of this instant Office action) and as such the limitations "receiver" and "processor" can be understood to read on the actual people doing said receiving and processing. Again, see for examples the specification as filed, page 7 line 8. "orders may be received by the system via manual input by the vendor's personnel"

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**12. Claims 1-6 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA as set forth in section 9 above.**

The Examiner has set forth how applicant's invention reads APA above.

However as set forth above, the method of processing the order may be performed by hand or people using paper.

Resort may be had to both *In re Venner*, 120 USPQ 192 (CCPA 1958) and *In re Rundell*, 9 USPQ 220 to show that "It is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result."

This appears to be exactly what Applicant is attempting to do, that is, to automate processing orders. See for instance, the specification as filed page 7 lines 7-8, page 8 lines 15-17, page 11 lines 15-18, etc.

Accordingly, it would be obvious to automate the manual steps set forth and explained by the Examiner in said section 9 above.

**13. Claims 1-6 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,882,457 to Miller et al. (hereinafter Miller).**

Miller sets forth a method of processing an order comprising:

receiving an order indicating N items (col. 80 lines 56-57 wherein "N" reads on the number of items ordered);

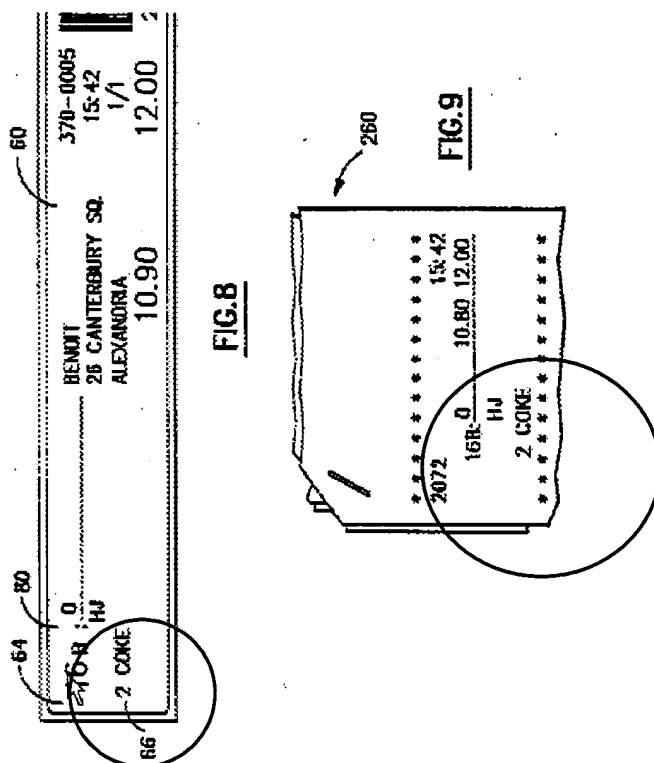
bundling the N items of the order as M unit(s)(col. 80 line 56, wherein "M" reads on "order number" or even one box to place all of the items into), each unit comprising a collection of at least one item; and

processing the order using the M unit(s) (reads on the one order number representing all items to be delivered) as a representation of the N items in for example, the abstract, col. 1 lines 40+ through col. 2 line 23, claims 1-6, etc.

However, Miller does not expressly disclose "M being a number lower than N". It is considered that an Order number could be any number one wished to assign, for example, order number 4 may indicate that it is the fourth order placed, but the order could contain 20 items. It is considered a design choice to assign any value to the number "M" as Applicant's "M" is nothing more than a number representing the order. That is, any vendor could use any manner of tracking orders by assigning distinct numbers, codes, barcodes, etc. As such, saying "M" is a number lower than "N" would be an obvious design choice as a plethora of manners are available and obvious to track orders.

**Regarding claims 2 and 20**, the limitation "after processing the order using the M unit(s), unbundling the M unit(s) into N items" reads on the invoice showing all of the items ordered as well as the customer unbundling or taking the individual items out of the box they were shipped in.

**Regarding claims 3 and 21**, the limitation "after processing the order using the M unit(s), generating a notice indicating a number that is equal to N so that the number indicated on the notice matches the number N indicated on the order." see, for example, Fig 8, item 66, and Fig. 9 (see inside the circles on figures 8 and 9 below)



While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Regarding claims 4 and 22, the limitation “processing the order using the M unit(s) includes decreasing an inventory count of the unit(s) by a value equal to M” is considered inherent in Miller because in order to process an order using “M” units, “M” units must be processed and presumably sent to the customer. The process of sending said “M” units to said customer REQUIRES taking “M” units out of inventory and sending them to the customer, that is the inventory of “M” units is automatically decreased by the number of “M” units taken away to be sent to the customer.

**Regarding claims 5 and 23,** Miller discloses “shipping the N items together as one collective package.” in, for example, col. 1, lines 45-46.

**Regarding claims 6 and 24,** Miller discloses “after processing the order using M unit(s), generating a notice indicating a number that is equal to M so that the number indicated on the notice mismatches the number N indicated on the order.” in, for example, col. 2, lines 3-7.

**Claims 19 through 24 mirror claims 1-6 as set forth above.** The fact that claims 19-24 disclose an order processing **system** does not obviate the Examiner’s assertions as to how the claims read on the method of processing an order explained above. It is considered Miller disclose both the method and system capable of performing said method. Again, Applicants claims do not set forth what all is encompassed by “an order processing system” (as explained in a previous section of this instant Office action) and as such the limitations “receiver” and “processor” can be understood to read on the actual people doing said receiving and processing. Again, see for examples, the specification as filed, page 7 line 8. “orders may be received by the system via manual input by the vendor’s personnel”

**14. Claims 1-6 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,664,110 to Green et al. (hereinafter Green) supplied with Applicants IDS submitted 8/13/2001.**



Green sets forth a method of processing an order comprising:

receiving an order indicating N items (col. 16, lines 23-29 wherein "N" reads on the number of items ordered);

bundling the N items of the order as M unit(s)(col. 16, line 44, wherein "M" reads on "a transaction identifier" or even one box to place all of the items into), each unit comprising a collection of at least one item; and

processing the order using the M unit(s) (reads on the one order number representing all items to be delivered) as a representation of the N items in for example, the abstract, etc.

However, Green does not expressly disclose "M being a number lower than N". It is considered that an Order number could be any number one wished to assign, for example, order number 4 may indicate that it is the fourth order placed, but the order could contain 20 items. It is considered a design choice to assign any value to the number "M" as Applicant's "M" is nothing more than a number representing the order. That is, any vendor could use any manner of tracking orders by assigning distinct numbers, codes, barcodes, etc. As such, saying "M" is a number lower than "N" would be an obvious design choice as a plethora of manners are available and obvious to track orders.

**Regarding claims 2 and 20**, the limitation "after processing the order using the M unit(s), unbundling the M unit(s) into N items" reads on the invoice showing all of the items ordered (see figure 3 below) as well as the customer unbundling or taking the individual items out of the box they were shipped in.

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Regarding claims 3 and 21, the limitation "after processing the order using the M unit(s), generating a notice indicating a number that is equal to N so that the number indicated on the notice matches the number N indicated on the order." see, for example, Figs 3-5, specifically inside the circle on figure 3 as shown below.

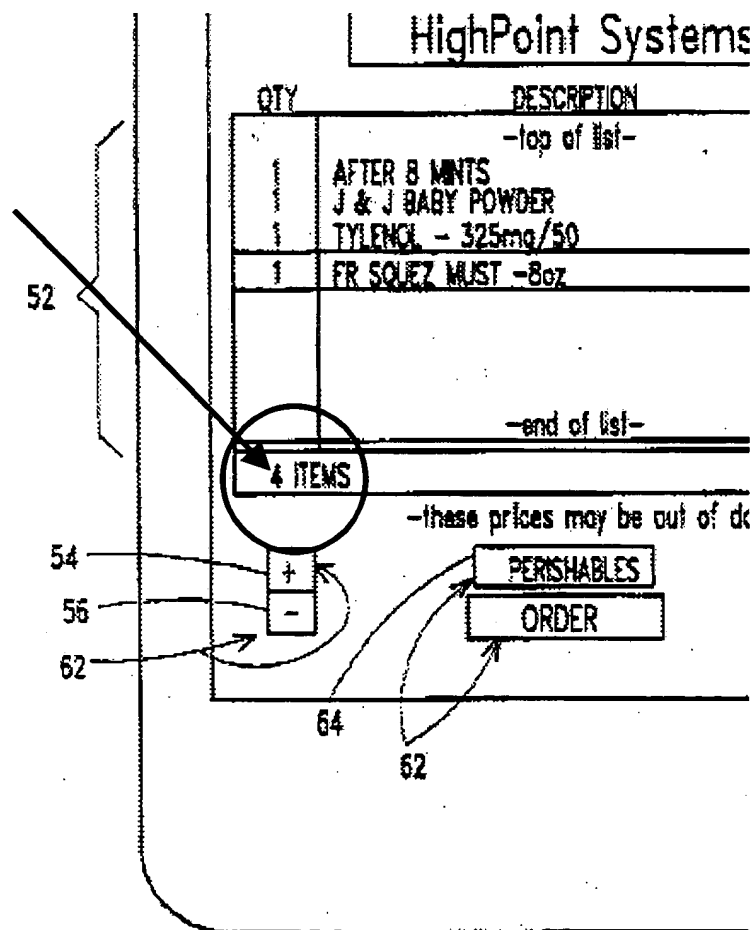


FIG. 3

**While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).**

**Regarding claims 4 and 22**, the limitation “processing the order using the M unit(s) includes decreasing an inventory count of the unit(s) by a value equal to M” is considered inherent in Green because in order to process an order using “M” units, “M” units must be processed and presumably sent to the customer. The process of sending said “M” units to said customer **REQUIRES** taking “M” units out of inventory and sending them to the customer, that is the inventory of “M” units is automatically decreased by the number of “M” units taken away to be sent to the customer.

**Regarding claims 5 and 23**, Green does not appear to explicitly disclose “shipping the N items together as one collective package.” however it would have been obvious to one of ordinary skill in the art at the time of the invention to ship all of the items in one collective package for the benefits of, for example, minimizing shipping material (decrease material cost), ease of transportation by only having to deal with one package, decreased shipping costs (one package vice several packages), etc.

**Regarding claims 6 and 24**, Green does not appear to explicitly disclose “after processing the order using M unit(s), generating a notice indicating a

number that is equal to M so that the number indicated on the notice mismatches the number N indicated on the order.” however it would have been obvious to one of ordinary skill in the art at the time of the invention to do so for the benefits of, for example, maintaining the same convention of markings throughout the order processing to minimize confusion and prevent shipment of improper items to improper customers.

**Claims 19 through 24 mirror claims 1-6 as set forth above.** The fact that claims 19-24 disclose an order processing **system** does not obviate the Examiner's assertions as to how the claims read on the method of processing an order explained above. It is considered Green discloses both the method and system capable of performing said method. Again, Applicants claims do not set forth what all is encompassed by “an order processing system” (as explained in a previous section of this instant Office action) and as such the limitations “receiver” and “processor” can be understood to read on the actual people doing said receiving and processing. Again, see for examples, the specification as filed, page 7 line 8: “orders may be received by the system via manual input by the vendor's personnel”

### ***Conclusion***

15. Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures


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may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene Jr. whose telephone number is (571) 272-6876. The examiner can normally be reached on Mon-Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DIG   
2007-01-18

  
ELLA COLBERT  
PRIMARY EXAMINER